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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,121	08/15/2001	Toyooaki Kishimoto	212668US6	1335
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.			EXAMINER	
1940 DUKE STREET			TESLOVICH, TAMARA	
ALEXANDRIA, VA 22314				
			ART UNIT	PAPER NUMBER
				2437
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05/28/2009	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief		Application No. 09/929,121	Applicant(s) KISHIMOTO, TOYOAKI
		Examiner Tamara Teslovich	Art Unit 2437
<p>–The MAILING DATE of this communication appears on the cover sheet with the correspondence address –</p> <p>THE REPLY FILED 12 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.</p> <p>1. <input checked="" type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</p> <p>a) <input type="checkbox"/> The period for reply expires _____ months from the mailing date of the final rejection.</p> <p>b) <input checked="" type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p> <p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p> <p>NOTICE OF APPEAL</p> <p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p> <p>AMENDMENTS</p> <p>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because</p> <p>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p> <p>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</p> <p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p> <p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</p> <p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p> <p>7. <input type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> will not be entered, or b) <input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: _____. Claim(s) objected to: _____. Claim(s) rejected: _____. Claim(s) withdrawn from consideration: _____.</p> <p>AFFIDAVIT OR OTHER EVIDENCE</p> <p>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p> <p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p> <p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p> <p>REQUEST FOR RECONSIDERATION/OTHER</p> <p>11. <input checked="" type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet</u>.</p> <p>12. <input type="checkbox"/> Note the attached <i>Information Disclosure Statement(s)</i>. (PTO/SB/08) Paper No(s). _____.</p> <p>13. <input type="checkbox"/> Other: _____.</p> <p>/Emmanuel L. Moise/ Supervisory Patent Examiner, Art Unit 2437</p>			

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's remarks directed towards Cooper's alleged failure to teach or suggest "the unique information corresponds to a mobile information terminal and includes a manufacturer code identifying the manufacturer of the mobile information terminal and identification code unique to the mobile identification terminal and wherein the information is encrypted" are unpersuasive for two reasons. First, the Examiner would like to draw attention to the fact that Applicant's unique identification information is encrypted by a predetermined encryption algorithm by a Web browser installed on said mobile information terminal for purposes of transmitting it. The encryption of transmitted information, including any identifying information, is clearly taught throughout Cooper, in particular in paragraphs 39, 43, 52, 58. The use of web browsers for these purposes is disclosed in paragraphs 35, 50, 51, 137 and 149. As such, it is irrelevant whether the unique ID of Cooper may be used to calculate the necessary values to build key and certificate files for creating encryption keys and digital certificates insofar as such a teaching comprises only one embodiment and has nothing to do with whether or not the actual ID itself is encrypted for transmission. Secondly, although Applicant contends that Cooper fails to teach a plurality of unique identifiers the Examiner is unable to locate any portion of the claims calling for a "plurality of unique identification codes associated with a device." Applicant's claims call for "the unique information including a manufacturer code identifying the manufacturer of the mobile information terminal and an identification code unique to the mobile information terminal." The Examiner has relied upon paragraphs 159-161 for such a teaching insofar as Cooper discloses the use of a unique ID which may be used for a variety of purposes. This ID positively and uniquely identifies the device and may be embedded within the device or software running therein (par 160). In paragraph 161 Cooper discloses a variety of different unique identifiers commonly in use, including but not limited to the UUID (Universally Unique), the GUI (Globally Unique ID) and MAC addresses. Those skilled in the art of networks and communication devices are more than likely familiar with MAC addresses, a commonly used 6 byte identifier used to uniquely identify a device that consists of an Organizationally Unique Identifier (OUI) identifying the particular manufacturer's followed by 3 bytes specifically identifying the network interface controller. There is no question that this ID anticipates Applicant's "manufacturer code identifying the manufacturer of the mobile information terminal" and "identification code unique to the mobile information terminal." It is in view of the above made arguments that the Examiner has no choice but to maintain her rejection of the claims in their entirety.